

FILED

Clark

District Court

1 DAVID G. BANES, Esq.
 2 O'Connor Berman Dotts & Banes
 3 Second Floor, Nauru Building
 4 P.O. Box 501969
 5 Saipan, MP96950
 6 Telephone No. (670) 234-5684
 7 Facsimile No. (670) 234-5683

APR 12 2006
 For The Northern Mariana Islands
 By _____ (Deputy Clerk)

5 Attorneys for Defendant Todd Keith Johnson

6 IN THE UNITED STATES DISTRICT COURT
 7 FOR THE NORTHERN MARIANA ISLANDS

8 ALAN STUART MARKOFF, D.D.S. dba) CIVIL ACTION NO. CV-05-0035
 9 TOOTHWORKS and OPEN CHOICE,)
 10 Plaintiff,) DEFENDANT'S PRE-DISCOVERY
 11 vs.) DISCLOSURE STATEMENT
 12 TODD KEITH JOHNSON, D.D.S.,) Date : Munson, Chief Judge
 13 Defendant.) Time : April 13, 2006
 14) Judge : 9:30 a.m.
 15)
 16)
 17)

18 Defendant Todd Keith Johnson, by and through counsel, pursuant to L.R. 16.2 (c)(J)(d)
 19 and Fed.R.Civ.Pro. Rule 26(a), submits the following disclosures:

20 A. Persons With Potentially Discoverable Information

	<u>Name/Address</u>	<u>Subject Of Information</u>
1.	Million Dollar Dental Practices ("MDP") P.O. Box 880 Gleneden Beach, Oregon Tel. No.: (541) 764-5580	Performed an extensive analysis of Toothworks' and Open Choice's financial documents in order to do an appraisal and was the initial broker for the sale of Toothworks and Open Choice to Plaintiff.
25 a.	Doug Seibert	Head of MDP

ORIGINAL

1	b. Jim Seibert	Traveled to Saipan as part of MDP's review and appraisal and at one time bid to purchase Toothworks/Open Choice together with Plaintiff.
2	c. Laura Peters	Took over from her father as the broker for the parties actual performed financial analysis.
3	d. David Perry	On information and belief, actual performed financial analysis.
4	2. Michael Lerner, CPA Houston, Texas	Reviewed Toothworks' and Open Choice's financial documents and gave Plaintiff Advise as to the value of Toothworks and Open Choice.
5	3. Alan Stuart Markoff Toothworks and Open Choice P.O. Box 504699 Saipan, MP 96950	Plaintiff's case.
6	4. Mrs. Becki Markoff Houston, Texas	Plaintiff's case.
7	5. Wallis State Bank Texas	Reviewed Toothworks' and Open Choice's financial documents; noticed certain financial discrepancies and brought them to Plaintiff's attention.
8	6. Progressive Management Consultants Illinois	Second broker for the sale of Toothworks and Open Choice.
9	7. Todd Johnson 1041 NW 71 st Place Oklahoma City, OK 73116	Plaintiff's case and Defendant's defenses.
10	8. John Ronan Minnesota	Ran Toothworks in the transition period while knows about Toothworks' financial sale negotiations were taking place. Knows about Toothworks' financial documents and had discussions with Plaintiff.
11	9. Angie Mamaril Unknown	Former head bookkeeper of Toothworks.

10.	James Peters 120 North Robinson, Suite 1719 Oklahoma City, Oklahoma	Attorney for Dr. Johnson during sale of dental practice.
11.	David Washburn 2800 Post Oak Blvd. Houston, Texas Tel. No.: (713) 892-4813	Attorney for Dr. Markoff during sale of dental practice.
12.	David Burger Burger and Comer, PC P.O. Box 504053 Saipan, MP 96950 Tel. No.: 235-8722	Helped Defendant set up his bookkeeping methods and operations.

9

10 B. Description of Relevant Documents

11 1. The financial records of Toothworks and Open Choice were originally in Saipan, were
12 sent to Oregon (Million Dollar Dental Practice) then on to Texas. Defendant also has
13 copies at his residence in Oklahoma.

14 2. Documents used by Million Dollar Dental Practice to formulate its extensive appraisal
15 report. Most likely located in Oregon.

16 3. Documents used by Wallis Bank in its review of Toothworks' and Open Choice's
17 financial documents. Most likely located in Texas.

18 4. Documents reviewed and used by MDP. Located in Oregon.

19 5. Documents reviewed and used by Plaintiff in his decision to purchase Toothworks.
20 Located with Plaintiff's accountant in Houston, Texas.

21 6. Correspondence among Plaintiff, Defendant, MDP and Progressive Management
22 Consultants. Some are located with Plaintiff, some with MDP in Oregon, some with
23 Defendant in Oklahoma.

24 C. Computation of Damages

25 N/A

1 D. Insurance Agreement
2

3 N/A
4

5 Dated: April 12, 2006
6

7 O'CONNOR BERMAN DOTT & BANES
8 Attorneys for Defendant Todd Keith Johnson
9

10 By: 
11

12 DAVID G. BANES
13

14
15
16
17
18
19
20
21
22
23
24
25